

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00228

DERRICK D. LAMB

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 13, 2022, the United States of America appeared by M. Ryan Blackwell, Assistant United States Attorney, and the defendant, Derrick D. Lamb, appeared in person and by his counsel, Gerald M. Titus, III, Esq., for a hearing on the petition and amendments seeking revocation of supervised release submitted by United States Probation Officer M. Dylan Shaffer. The defendant commenced a thirty-six (36) month term of supervised release in this action on September 6, 2019, as more fully set forth in the Judgment in a Criminal Case Order entered by the court on May 3, 2016.

The court heard the admissions and objections of the defendant, and the representations and arguments of counsel.

Pursuant to the court's findings of fact and conclusions of law as enumerated in open court on the record of this proceeding, which are ORDERED incorporated herein by reference, the court finds by a preponderance of the evidence that the defendant has violated the conditions of his supervised release as follows: 1) the defendant failed to submit monthly written reports as required by a condition of supervised release for the months of January, February, March, and April 2022; 2) on February 17, 2022, the defendant failed to report to the probation officer as instructed; 3) on April 11, 2022, the defendant was instructed to report to the probation officer on that same day and the defendant failed to report to the probation officer on that day; 4) the defendant failed to maintain employment and has been unemployed since January 1, 2022, through the filing of the petition in April 2022, and he was not excused from obtaining employment by the probation officer; 5) on December 14, 2021, the defendant submitted a urine screen that tested positive for marijuana, and the defendant signed a voluntary admission form acknowledging his use of marijuana; 6) on December 14, 2021, the defendant was instructed to participate in monthly individual substance abuse counseling sessions and the defendant failed to participate in

any individual counseling session as instructed; 7) on January 12, 2022, February 7, 2022, and March 21, 2022, the defendant failed to submit urine screens as instructed by the probation officer; 8) on May 15, 2022, the defendant in violation of state law, committed the felony offense of fleeing in a vehicle with reckless disregard for the safety of others; and 9) on September 30, 2022, the defendant in violation of federal, state and local laws, committed the felony offense of a convicted felon in possession of a loaded Smith and Wesson SW9VE 9mm firearm and possession with intent to distribute approximately 11 grams of fentanyl, and 8 grams of methamphetamine, and all as set forth in the petition, the amendment, the second amendment and third amendment to the petition on supervised release, and by the court's findings on the record of the hearing.

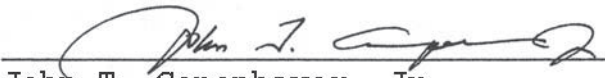
And the court finding, as more fully set forth on the record of the hearing, that the violations found as set forth above warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHTEEN (18) MONTHS imprisonment, to be followed by EIGHTEEN (18) MONTHS of supervised release, upon the same terms and conditions as heretofore.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 28, 2022



John T. Copenhaver, Jr.
Senior United States District Judge